



Decision _____

FILED
8-22-16
11:38 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Gas Company (U 904 G) For Approval of The Branch Office Optimization Process.

A.13-09-010
Filed Sept. 16, 2013

**INTERVENOR COMPENSATION CLAIM OF The Greenlining Institute
AND DECISION ON INTERVENOR COMPENSATION CLAIM OF The
Greenlining Institute**

NOTE: After electronically filing a PDF copy of this Intervenor Compensation Claim (Request), please email the document in an MS WORD, supporting EXCEL Timesheets, and any other supporting documents to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

Intervenor: The Greenlining Institute	For contribution to Decision (D.) 16-06-046
Claimed: \$23,013.00	Awarded: \$
Assigned Commissioner: Peterman	Assigned ALJ: Colbert
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).	
Signature:	/s/ Stephanie C. Chen
Date: 8/22/16	Printed Name: Stephanie C. Chen

PART I: PROCEDURAL ISSUES (to be completed by Intervenor except where indicated)

A. Brief description of Decision:	The Decision grants, in part, the request of Southern California Gas Company to close certain branch offices.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		

1. Date of Prehearing Conference (PHC):	12/3/13	
2. Other specified date for NOI:	n/a	
3. Date NOI filed:	1/2/14	
4. Was the NOI timely filed?		
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	R.10-02-005	
6. Date of ALJ ruling:	3/29/2010	
7. Based on another CPUC determination (specify):	n/a	
8. Has the Intervenor demonstrated customer or customer-related status?		
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.10-11-002	
10. Date of ALJ ruling:	7/16/13	
11. Based on another CPUC determination (specify):	n/a	
12. Has the Intervenor demonstrated significant financial hardship?		
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.16-06-046	
14. Date of issuance of Final Order or Decision:	6/27/16	
15. File date of compensation request:	8/22/16	
16. Was the request for compensation timely?		

C. Additional Comments on Part I (use line reference # as appropriate):

#	Intervenor's Comment(s)	CPUC Discussion

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. Greenlining argued that the	Greenlining/CforAT Protest, p. 3;	

<p>Branch Office Optimization Process (BOOP), which proposed an advice letter process for approving future branch office closures, would not allow for proper assessment of all the factors the Commission should consider in determining whether a particular branch office could be closed without harming vulnerable customers. Greenlining argued that while SCG proposed a well-considered, reasonably thorough set of tests that could serve well as a threshold assessment, proposed branch office closures require a more thorough, individualized review.</p>	<p>Testimony of Enrique Gallardo, pp. 1-3.</p> <p>D.16-06-046 noted that after reviewing intervenor testimony, SoCalGas withdrew its request to seek approval for future branch office closures via an advice letter, and would instead file a full application for any future closure requests. (p. 20)</p> <p>The Decision also noted that the Commission had several concerns about the proposed BOOP, including that the process did not provide sufficient information regarding specific customer preferences and needs, and that it did not consider proximity to another branch office not proposed for closure. (p. 49).</p> <p>The Decision also noted that in the future, in addition to filing a formal application for any requested closures, SoCalGas must also conduct a thorough study, including gathering public comments, on the impacts of the proposed closure on low income, elderly and disabled customers. SoCalGas must complete this review prior to filing an application, and include the study results therein. (pp. 45-46)</p>	
<p>2. Greenlining argued that SoCalGas must provide three alternate payment locations within a five mile radius of the office proposed for closure, as opposed to just 1 or 2.</p> <p>Of the six offices proposed for closure, Greenlining noted that the Santa Monica office only had 1 APL within a 5 mile radius and the San Luis Obispo</p>	<p>Greenlining/CforAT Protest, pp. 2-3, 4-5; Testimony of Enrique Gallardo, p. 4.</p> <p>D.16-06-046 noted that the San Luis Obispo branch office did not meet the threshold for adequate nearby APLs, and for this and other reasons denied the requested closure. (p. 43)</p> <p>The Decision found that the Santa Monica office had 4 APLs within a 3 mile radius, all accessible by public transportation, and granted the requested</p>	

<p>office only had 2 within 5 miles. Greenlining argued that the Commission should not approve an office closure if there were fewer than 3 APLs within a 5 mile radius from the office in question. Greenlining argued that the APLs should be geographically diverse within the 5 mile area and should be accessible by public transportation.</p>	<p>closure (p. 41). This level of APL availability is consistent with the threshold Greenlining proposed.</p> <p>The Decision ordered SoCalGas to maintain at least two APLs within a three mile radius of the branch offices approved for closure. (Ordering Paragraph 8)</p>	
<p>3. Greenlining argued that the Commission should require SoCalGas to translate notices of branch office closures (posters, flyers, bill inserts, etc.) into non-English languages if the office in question serves a significant non-English speaking population. Greenlining proposed that if a language is spoken by 5% or more of the population living within a 5 mile radius of the office in question, the utility must provide notice in that language.</p> <p>Of the proposed closures, Greenlining found that all six of the offices proposed for closure well-exceeded the 5% threshold for Spanish speakers, and 3 of the 6 exceeded 5% for Asian or Pacific Islander languages. One office exceeded the threshold for IndoEuropean languages. Greenlining urged that materials for all six offices</p>	<p>Greenlining/CforAT Protest, pp. 5-6; Testimony of Enrique Gallardo, pp. 4-6.</p> <p>D.16-06-046, in finding reasonable SoCalGas' Outreach and Education Plan proposal, required SoCalGas to include in it a process for identifying what languages other than English should be used to communicate future branch office closures to customers. (p. 48)</p> <p>The Decision also ordered SoCalGas to urge that its APLs are staffed with employees who can speak non-English languages commonly spoken in nearby communities (Ordering Paragraph 8)</p>	

<p>should be translated into Spanish, materials for the Monrovia office should be translated into Chinese, and that SoCalGas should take steps to identify any other languages that surpass the 5% threshold and provide notice materials in those languages.</p> <p>Finally, Greenlining as well as other consumer advocates worked with SoCalGas to refine its Outreach and Education Plan to ensure that any changes to service will be sufficiently communicated to non-English speakers and other communities of color.</p>		
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	
b. Were there other parties to the proceeding with positions similar to yours?	Yes	
c. If so, provide name of other parties: The Utility Reform Network (TURN), Center for Accessible Technology (CforAT), Utility Workers Union of America (UWUA)		
d. Intervenor's claim of non-duplication: Greenlining's work in this proceeding was fundamentally different from that of ORA or the other consumer advocates, in that it focused on the proposed closures' impacts on communities of color. This perspective influenced the positions Greenlining took in the proceeding, specifically our focus on how the proposed closures would impact limited English proficient (LEP) customers.		

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

Throughout the proceeding, Greenlining remained in regular contact with advocates from TURN, CforAT, and UWUA to ensure coordination and avoid duplication of effort. Where parties agreed, they coordinated rather than merely echoing each other. Greenlining is claiming compensation only for the work its own attorneys performed.	
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C. Additional Comments on Part II (use line reference # or letter as appropriate):

#	Intervenor's Comment	CPUC Discussion

PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Intervenor except where indicated)

A. General Claim of Reasonableness (§ 1801 and § 1806):

<p>a. Intervenor's claim of cost reasonableness:</p> <p>It is difficult to assign a dollar value to the benefits customers can expect to receive as a result of Greenlining's participation in this proceeding. Given that the proceeding was about proposed branch office closures, the "benefits" expected to accrue to customers are actually prevention or mitigation of harm resulting from their local branch office being closed.</p> <p>Ratepayers achieved nonmonetary benefits as a result of Greenlining's advocacy, including clearer communication about closures and how to find alternate service, especially for customers whose primary language is not English. Customers will also benefit from more alternate payment locations being available near each office proposed for closure. And customers in the future are likely to benefit from a more thorough, individualized analysis of future proposed branch office closures.</p> <p>Greenlining submits that despite being difficult to quantify in dollars, these benefits to a limited but vulnerable segment of customers will accrue over time to a value that exceeds the reasonable cost of Greenlining's participation in this proceeding.</p>	<p>CPUC Discussion</p>
<p>b. Reasonableness of hours claimed:</p> <p>Greenlining ensured that its hours in participating in this proceeding remained reasonable by collaborating with other intervenors, as described above, and by focusing the bulk of its participation on issues of unique interest to Greenlining and its constituency. Greenlining kept its advocacy with a single representative through most of the proceeding, who as a result was well-versed in the details of the proceeding. However, this representative left Greenlining mid-2014. Thereafter, Greenlining's participation was minimal, and exclusively focused on issues unique to our constituency. In this way, Greenlining avoided requiring Ms. Miller to duplicate significant portions of Mr. Gallardo's original efforts to get up to speed with the proceeding. As such, Greenlining urges that the hours it spent participating in this proceeding were reasonable and warrant full compensation as</p>	

requested.	
c. Allocation of hours by issue: A. Automatic Branch Closure Process = 12.8% B. Review of Proposed Closures = 32.6% C. Alternative Payment Locations Sufficiency = 22.1% D. Proper Notification of Branch Closures = 13.2% E. General/Procedural = 19.3%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Enrique Gallardo	2013	34.2	\$390	D.14-02-036	\$13,338			
Enrique Gallardo	2014	18.4	\$400	D.15-04-018	\$7,360			
Carmelita Miller	2016	3.5	\$225	See Comment A	\$787.50			
Subtotal: \$21,485.50						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
[Person 1]								
[Person 2]								
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Enrique Gallardo	2014	2.6	\$200	D.15-04-018	\$520			
Stephanie Chen	2016	6.2	\$162.50	See Comment B	\$1,007.50			
Subtotal: \$1,527.50						Subtotal: \$		
COSTS								
#	Item	Detail			Amount	Amount		
TOTAL REQUEST: \$ 23,013.00						TOTAL AWARD: \$		
**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and								

any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Enrique Gallardo	12/9/97	191670	No
Carmelita Miller	12/13/13	295398	No
Stephanie Chen	8/23/10	270917	No

C. Attachments Documenting Specific Claim and Comments on Part III (Intervenor completes; attachments not attached to final Decision):

Attachment or Comment #	Description/Comment
1	Time Recording for Greenlining Institute Attorneys
A	Greenlining is requesting a rate of \$225/hour for work done by Carmelita Miller in 2016. Ms. Miller does not yet have a compensation rate approved by the Commission, but is in her 3 rd year of practice before the Commission. ALJ-329, issued on May 20, 2016, sets the range for attorneys with 3-4 years of experience at \$220-\$255. Being at the bottom of the range appropriate for Ms. Miller's experience, a rate of \$225/hour for Ms. Miller's work in 2016 is quite reasonable.
B	Greenlining is requesting a rate of \$325/hour for work done by Stephanie Chen in 2016. Ms. Chen's most recent approved rate was \$310 for work done in 2015, which was Ms. Chen's 6 th year of practice before the Commission as an attorney. 2016 is Ms. Chen's 7 th year of practice before the Commission, and ALJ-329 sets the range for attorneys with 5-7 years of experience at \$305-\$325. Given Ms. Chen's experience and the approved rate range for 2016, Greenlining asserts that \$325/hour is a reasonable rate for work done by Ms. Chen in 2016.

D. CPUC Disallowances and Adjustments (CPUC completes):

Item	Reason

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))

(CPUC completes the remainder of this form)

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

A. Opposition: Did any party oppose the Claim?	
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If so:

Party	Reason for Opposition	CPUC Discussion

B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. Intervenor [has/has not] made a substantial contribution to D._____.
2. The requested hourly rates for Intervenor's representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$_____.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Intervenor is awarded \$_____.
2. Within 30 days of the effective date of this decision, _____ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75th day after the filing of Intervenor’s request, and continuing until full payment is made.
3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

Attachment 1

Time Recording for the Greenlining Institute's Attorneys

Hours of Enrique Gallardo, Legal Counsel in 2013

Issue Areas

A. Automatic Branch Closing Process

A

B. Review of Proposed Closures

B

**C. Alternative Payment Locations
Sufficiency**

C

D. Proper Publicization of Branch Closures

D

E. General/Procedural

E

Date	Description	A	B	C	D	E	Total
9/12/2013	Review data on branches suggested for closure		2.6				2.6
9/15/2013	Review application and testimony	0.8	0.7	0.7	0.7		2.9
9/15/2013	Review data on branches suggested for closure		1.1	1.1	1		3.2
10/6/2013	Meeting re Branch closures	0.5	0.5	0.5	0.5		2
10/8/2013	Review transactions data in offices suggested for closure		1.3				1.3
10/8/2013	Review language data for branch closures				0.9		0.9
10/13/2013	Review alternate payment location data			1.2			1.2
10/13/2013	Draft Protest	0.9	0.8	0.8			2.5
10/14/2013	Draft Protest				1.7		1.7
10/17/2013	Draft Protest	0.8	0.8	0.9	0.9		3.4
10/20/2013	Review Protest of TURN, UWUA, ORA	0.5	0.5	0.4	0.4	0.4	2.2
10/28/2013	Review Reply of SoCalGas	0.3	0.3	0.2	0.2	0.3	1.3
11/18/2013	Review information on alternative payment locations			1.4			1.4
11/19/2013	Conf call w intervenors					1.1	1.1
11/20/2013	Settlement discussion w SoCalGas, intervenors	0.5	0.5	0.5		0.5	2
12/2/2013	Pre-Hearing Conference					1.7	1.7
12/5/2013	Review UWUA Motion to Dismiss	0.5	0.6			0.5	1.6
12/16/2013	Review SoCalGas response to Motion to Dismiss	0.4	0.4			0.4	1.2
Issue Areas		A	B	C	D	E	Total
Total Hours for E. Gallardo, Legal Counsel in 2013		5.2	10.1	7.7	6.3	4.9	34.2

Hours of Enrique Gallardo, Legal Counsel in 2014

Issue Areas

A. Automatic Branch Closing Process

A

B. Review of Proposed Closures

B

C. Alternative Payment Locations Sufficiency

C

D. Proper Publicization of Branch Closures

D

E. General/Procedural

E

Date	Description	A	B	C	D	E	Total
3/9/2014	Review Scoping Memo					1.7	1.7
3/24/2014	Draft Testimony	0.5	0.5	0.4	0.4		1.8
3/25/2014	Draft Testimony	0.6	0.6	0.6	0.7		2.5
3/31/2014	Review testimony of ORA, TURN, UWUA	0.9	0.9	1			2.8
4/28/2014	Review SDG&E, CforAT rebuttal testimony		0.6	0.6		0.7	1.9
5/4/2014	Conf Call re Case Management					0.7	0.7
5/20/2014	Conf Call w Intervenors		0.5	0.4			0.9
6/9/2014	Attend Evid Hearing		1.7	1.7		1.8	5.2
6/23/2014	Review SDG&E surrebuttal testimony		0.9				0.9
Issue Areas		A	B	C	D	E	Total
Total Hours for E. Gallardo, Legal Counsel in 2014		2	5.7	4.7	1.1	4.9	18.4

Hours of Enrique Gallardo, Legal Counsel in 2014

Regarding Intervenor Compensation

Date	Description	Total
1/1/2014	Draft NOI	2.6
Total		2.6
Total Hours for E. Gallardo, Legal Counsel in 2014		2.6

Hours of Carmelita Miller, Legal Counsel in 2016

Issue Areas

A. Automatic Branch Closing Process

A

B. Review of Proposed Closures

B

C. Alternative Payment Locations
Sufficiency

C

D. Proper Publicization of Branch Closures

D

E. General/Procedural

E

Date	Description	A	B	C	D	E	Total
6/16/2016	Reading PD					0.7	0.7
6/16/2016	Reading SoCalGas Opening Comments					0.3	0.3
6/16/2016	Drafting Reply Comments		2.5				2.5
Issue Areas		A	B	C	D	E	Total
Total Hours for C. Miller, Legal Counsel in 2016		0.0	2.5	0.0	0.0	1.0	3.5

**Hours of Stephanie Chen, Energy & Telecom Policy
Director in 2016
Regarding Intervenor Compensation**

Date	Description	Total
8/4/2016	Drafting request for compensation	4.9
8/19/2016	Drafting request for compensation	1.3
Total Hours for Stephanie Chen in 2016		6.2